

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 02 AUG 2005

Applicant's or agent's file reference 89843.016603	FOR FURTHER ACTION	<div style="border: 1px solid black; padding: 2px; display: inline-block;"> WSP Form PCT/IPEA/409 PCT </div>
International application No. PCT/US04/12555	International filing date (day/month/year) 23 April 2004 (23.04.2004)	Priority date (day/month/year) 23 April 2003 (23.04.2003)
International Patent Classification (IPC) or national classification and IPC IPC(7): A47B 45/00 and US Cl.: 312/108, 257.1		
Applicant JOHN D. BRUSH & CO. INC.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:

- a. ☐ (sent to the applicant and to the International Bureau) a total of ___ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
- b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

Date of submission of the demand 22 November 2004 (22.11.2004)	Date of completion of this report 12 July 2005 (12.07.2005)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	<div style="text-align: center;"> Authorized officer James O. Hansen Telephone No. 571-272-3600 </div>

Form PCT/IPEA/409 (cover sheet)(January 2004)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/12555

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☒ the description:
 - pages 1-16 as originally filed/furnished
 - pages* NONE received by this Authority on _____
 - pages* NONE received by this Authority on _____
- ☒ the claims:
 - pages 17-23 as originally filed/furnished
 - pages* NONE as amended (together with any statement) under Article 19
 - pages* NONE received by this Authority on _____
 - pages* NONE received by this Authority on _____
- ☒ the drawings:
 - pages 1/30-30/30 as originally filed/furnished
 - pages* NONE received by this Authority on _____
 - pages* NONE received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US04/12555

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>6-9, 12-21, 24-25 & 27-31</u>	YES
	Claims <u>1-5, 10-11, 22-23 & 26</u>	NO
Inventive Step (IS)	Claims <u>6-9, 12-21, 24-25 & 27-31</u>	YES
	Claims <u>1-5, 10-11, 22-23 & 26</u>	NO
Industrial Applicability (IA)	Claims <u>1-31</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)

1. Claims 1-5 & 10-11 lack novelty under PCT Article 33(2) as being anticipated by Schenker et al. Schenker (figures 1-11) teaches of a multi-drawer file cabinet (10) comprising: a first cabinet (bottom 22) including a top surface having a peripheral edge, the edge having a first perimeter, the first cabinet having a drawer opening defined by an edge (all depicted in fig. 5 for example); and a second cabinet (top 22) including a base, the base having a sidewall with a peripheral edge, the edge having a second perimeter that is larger than the first perimeter (note figs. 1-2), wherein the sidewall fits around the edge of the top surface so that the second cabinet is positioned on top of the first cabinet (fig. 1). The sidewall includes a top edge, wherein the distance between the top edge and the peripheral edge of the sidewall is equal to the distance between the peripheral edge of the top surface of the first cabinet and the edge of the drawer opening as best understood by the examiner. The cabinet comprising at least one bumper (viewed as one of the "bumped-out" sections referenced as (86) in figure 4 for example) mounted to a lower surface of the base. An accessory holder (18) including a base, the base having a sidewall with a peripheral edge, the edge having a third perimeter that is larger than the second perimeter (note figs. 1-2) so that the second cabinet is positioned on top of the first cabinet (fig. 1). At least one of the cabinets including an interior casing, an upper shell portion and a rear shell portion (viewed as elements of 26 for example). At least a portion of the casing being formed of a "fire-resistant" material [plastic] in as much as this limitation's interpretation can vary depending upon an individual's perspective of what constitutes fire resistance. The base includes a top surface, wherein a lip (214) extends from the top surface of the base to engage a front side of the interior casing.

2. Claims 22-23 & 26 lack novelty under PCT Article 33(2) as being anticipated by Hassel. Hassel (figures 1-7) teaches of a file cabinet (1) comprising: a housing having an interior compartment assessable through an opening in the housing (see figures), the compartment having a pair of sidewalls (3) with a pair of outer tracks (U-shaped bends) integrally defined, each of the tracks including an inner groove (9 for example) and an outer groove (inside the U-shaped bend); and a drawer assembly (2) including a front drawer assembly, a frame, and a pair of slide members (11), the members being slidably coupled to the frame of the assembly and positioned within the outer tracks (viewed as both within the bounds of tracks on a sidewall and within [between] the tracks on opposing sidewalls) of the housing, wherein the members have a stop (15) extending therefrom that extends into the inner groove. At least one of the housing and the assembly is formed of a "fire-resistant" material (metal). An extrusion (14 or 18) coupled with at least one of the slide members.

3. Claims 6-9, 12-21, 24-25 & 27-31 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed limitations as presently recited.

4. Claims 1-31 meet the criteria set out in PCT Article 33(4), and thus satisfy industrial applicability because the subject matter claimed can be made or used in industry.